

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

BEATRICE N. DELAPHOUS

CIV. ACTION NO. 3:22-06248

VERSUS

JUDGE TERRY A. DOUGHTY

TONYA BULLOCK, ET AL.

MAG. JUDGE KAYLA D. MCCLUSKY

J U D G M E N T

For the reasons assigned in the Report and Recommendation of the Magistrate Judge [Doc. No. 15] previously filed herein, having thoroughly reviewed the record, noting the lack of objection thereto, and concurring with the findings of the Magistrate Judge under the applicable law,

IT IS ORDERED, ADJUDGED, AND DECREED that the Rule 12(b) Motion to Dismiss [Doc. No. 11] filed by Defendants, Tonya Bullock, Kelly Cook, and Renita Smith is **GRANTED AS FOLLOWS:**

- (1) Plaintiff Beatrice Delaphous's claims under the ADA, the ADEA, the FMLA, and Title VII, plus her individual capacity claims under the LEDL and 42 U.S.C. § 1983 are hereby **DISMISSED WITH PREJUDICE**, for failure to state a claim upon which relief can be granted in accordance with FED. R. CIV. P. 12(b)(6).
- (2) Plaintiff Beatrice Delaphous's official capacity claims under the LEDL, if any, and 42 U.S.C. § 1983 are hereby **DISMISSED WITHOUT PREJUDICE**, for lack of subject matter jurisdiction in accordance with FED. R. CIV. P. 12(b)(1).

MONROE, LOUISIANA, this 8th day of September 2023.

TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE